

**WAY  
CLEAR  
FOR  
FRANK**

# BATTLE

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## **Fight for New Trial to Open Be- For Judge Roan Next Wed- nesday Morning.**

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The way was cleared Saturday for the actual beginning of the fight over the motion to give Leo M. Frank, convicted of the murder of Mary Phagan, a new trial. The battle will open before Judge Roan Wednesday with both sides primed for a vigorous contest in which charges against jurors accused of bias will play a large part.

The defense, headed by Luther Z. Rosser, relies in large part on the evidence showing that Juror A. H. Henslee expressed violent animus to Frank before the trial opened, winning a new trial for the prisoner. Scores of affidavits will be introduced to uphold the character of the witnesses who swear that Henslee said he was sure Frank was guilty and would like to see him hanged.

On the other hand the State will be prepared to assail a number of these witnesses and will try to show through Henslee himself that the sentiments against Frank were expressed after the trial.

### **Will Exchange All Papers.**

Wednesday, as had been announced in The Georgian, was formally fixed for the opening of the arguments by Judge Roan Saturday. At the same time the defense and State agreed to exchange all new papers in the case. A number of important documents, it is said have not yet been made public.

In the discussion of the case Mr. Rosser made the offer to exchange all new affidavits for the new papers in possession of the State, and Solicitor Dorsey agreed.

While declaring that delay undoubtedly would benefit their client, Luther Rosser, for the defense, urged that the motion be brought to a speedy hearing.

He pointed out that he had been neglecting his evil business for the Frank case, and said that if the fight over the new motion were not disposed of by Monday a week he would have to ask that it be put over so that he could take up some of his other work.

### **Roan Urges Hosts.**

If that was impossible, he wanted the case to be put over until December.

Judge Ross interrupted with the remark that he was anxious to pass on the case as quickly as possible, and would be against any delay until December, and the same sentiments were expressed to Solicitor Dorsey.

The Solicitor pointed out that he had given every moment of his time to preparing his answer to the lengthy plea, filed by the defense, and that he would continue to do everything toward hastening the hearing.

Dorsey and Leonard Haas, of counsel for the defense, began Friday a review of the record of the case to check up on all the evidence briefed by Frank's lawyers. Due to pressure of other business, Mr. Haas was unable to continue the work Saturday, but arranged to resume the conference Monday morning at 9 o'clock.

Sixty pages of the 400 were gone over the first afternoon, minor alterations and additions being made at the suggestion of the Solicitor. Practically all of the remaining time before the hearing will be occupied in this work, and it is problematical if it will be concluded satisfactorily by Wednesday.

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## **PDF PAGE 2, COLUMNS 1 AND 4**

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**WOMAN TO CONFRONT FRANK MAN  
OF MYSTERY**

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**ARREST OF  
FISHER IS  
EXPECTED AS  
MOVE TO**

# BLOCK POLICE GRILL

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I. W. Fisher, the mysterious new figure in the Phagan murder case, who created one of the greatest sensations of the entire investigation by his declaration that he knew the murderer of the little factory girl and that her slayer was not Leo Frank, may be arrested and placed in a cell on a formal warrant before nightfall on an old warrant charging him with cruelty to his wife, who is suing for divorce. He disappeared some months ago when the warrant was sworn out, the police say.

The strange person, whose startling story was first told to Chief of Police Bodeker in Birmingham, was virtually a prisoner Sunday and Monday in the tightly locked offices of Luther Z. Rosser, chief of counsel for Frank, in the Grant Building. No one was permitted to see him. His food was brought to him and the groups of persons who gathered outside the office in the hope of getting a glimpse of the accuser of a prominent Atlanta man were disappointed.

Meanwhile detectives in relays patrolled the first and second floors of the Grant Building. There was no way for Fisher to get by them without observation. Newspaper photographers, with their cameras set up for instant action, dozed on the hard steps, hoping to have an opportunity to get a flash of the mysterious personage.

Reporters, who had trailed Fisher from Birmingham from where he was brought to Atlanta by C. W. Burke, an agent for Attorney Rosser, were on constant duty ready to resume the chase in the event that any new move was made by Frank's lawyers or there appeared an endeavor to hide him away.

The vigilance of an entire day and a night resulted in only the sensational statement of the quasi-prisoner which was forecast very closely by the Sunday American. This statement was given out late in the afternoon by Attorney Rosser. Rosser would not reveal the name of the prominent man charged. He said that his identity must remain a mystery for a time at least. The only clew he furnished was that the man was fairly prominent.

### **Man's Name Withheld.**

"I do not want to use the name of the man," said Rosser, "and thus possibly to do him an injustice. I will tell everything in the world except the name of the man."

"The man who has just told his story to us is I. W. Fisher. He once lived here and left e about the time of the murder of Mary Phagan, and since then has lived in North Georgia, Tennessee and Birmingham. He now lives in Birmingham."

"Without our knowledge or instigation, he went to the Chief of Police in Birmingham, George H. Bodeker, and asserted that Frank was innocent, and that he had known of his innocence all the time, but that he didn't think Frank would be convicted, and therefore had kept his silence about the real murderer."

"He said that he met the man who committed the crime on Saturday, April 26, and that this man told him he was going to meet Mary Phagan in the pencil factory at noon. Fisher said that when the man came factory he said: 'I raised h—I in there and you have got to get out of town.'"

"Since that time Fisher says that this man, who is well to do and established in business here, has been paying his expenses wherever he went."

"Whether Fisher's story is true or false we do not know. We are not giving it out as fact, but merely as one of the numerous stories which have come to our ears during the investigation of the crime. We would

# **DETECTIVES AND FRANK COUNSEL IN FIGHT FOR MYSTERIOUS WITNESS**

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**Continued From Page 1.**

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have said nothing about it if the newspapers had not come out yesterday telling of Fisher's walking into the office of the Chief of Police in Birmingham. We do not take any stock in it one way or another as yet. But we are going too investigate it thoroughly and find whether or not if it is true.

## **Police Told Name.**

"We have told the detectives something when we have not told the public. We have told them the name of the man Fisher accuses, and have incited them to work with us on our investigation. There is such a man as the one Fisher names, and

he is well known. Fisher is a married man, and has several children. They are in Atlanta.

Solicitor Dorsey, Frank A. Hooper, who assisted the Solicitor in the Frank trial, and members of the detective department appeared not at all impressed by Fisher's story Monday. "I think he's telling a lie, pure and simple," said Mr. Hooper when he was asked his opinion.

Chief Lanford laughed at the story and said it was his belief that Fisher was out in town at the time of the Phagan murder. Fisher is the same man, he thinks, that testified some ago against Griff Freeman, who was arrested on a blind tiger charge, and then disappeared from town after Freeman was bound over. Fisher was not on hand to testify in the State trial.

Mrs. Fischer acted as a sleuth and obtained much of the evidence that resulted in the prosecution of Freeman. She testified at the trial that Fisher pawned her shoes and sold their chickens to get liquor from Freeman. Fisher admitted that he had bought liquor many times from the defendant.

In an effort to make the identification of the man secreted in the office of Attorney Rosser as the same man who testified in the trial of Griff Freeman and then disappeared from the city, Lanford Monday ordered Detective Cowan to go to the Fisher home on Marietta street and get Mrs. Fisher. She will be taken to Rosser's office and the attorney will be asked for permission to let her see the man. Chief Lanford believes it will prove the same man.

### **May Balk Detectives.**

It is conjectural if the detectives will be allowed this privilege in view of the strict seclusion in which Fisher has been kept so far. Chief Lanford Monday that if the lawyers have evidence that the crime was committed by another person than Frank, he thought they should turn it over to the police so that the man might be arrested and justice done.



“Although Frank has been convicted of the crime,” said Lanford, “our eyes and ears never have been closed to evidence that would point to any other person as the guilty on. I do not place much reliance on Fisher’s story, but I want my department to investigate it thoroughly. This Fisher, I believe once was with the Southern Railway, and was discharged because of his drinking Burke, who now is acting for Rosser, once was special agent for the Southern.”

Attorney Rosser Monday explained the unpassable guard that had been thrown around Fisher by saying that he wanted to get every detail of Fisher’s story before he let him go.

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## **PDF PAGE 3, COLUMNS 1 & 7**

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# **POLICE WAIT TO ARREST FISHER**

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## **Family and Prosecution Discredit His Story**

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# **MYSTERIOUS WITNESS**

# ONCE HELD FOR MURDER IS NEW REVELATION

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Charged by his wife with being a raving drunkard, wanted by the police who give him a long court record, believed by Probation Officer Coogler to be demented as a result of accusations of murder made against himself, I. W. Fisher, the accuser of a prominent Atlanta man in the Phagan case, was confronted Monday by a general disposition to ridicule his story and the threatened collapse of a sensation.

Kept a prisoner in the office of Luther Z. Rosser, while the police waited to arrest him, Fisher continued to be inaccessible to newspapermen, but various investigations of his record bared facts that threw a dark cloud on his reliability.

Detectives continued their vigil on the ground floor of the Grant Building ready to arrest Fisher as soon as he made his appearance. In the meanwhile the Frank lawyers kept on investigating his story and seemed determined to hold their man a strict prisoner until they were entirely through with him.

Mr. Coogler's opinion was contingent on the identity of an I. W. Fisher Coogler has had before him many times and that of the Fisher as been virtually a prisoner in the Grant Building being the same.

Coogler said Monday that Fisher was tried several ago for the murder of his wife's brother. He was acquitted, but it is known

that a suspicion that he was guilty still rested in the mind of his wife and that she frequently had charged him with the crime. These accusations are believed by Coogler to have unsettled Fisher's Mind, a condition which perhaps has been augmented.

The "Fisher" Coogler has had before him lived at 797 Marietta street. An investigation of his record has disclosed that the man was placed on probation November 24 of last year charged with being drunk and disorderly and abusing his wife. He obtained employment and contributed to the support of his wife and children through the probation officer.

Fisher was before Coogler again on Christmas, and this time he was given employment with the Christian Helpers' League. He could not stay good, and February 21 he was arrested again, charged with striking and otherwise mistreating his wife. He was bound over to the State Court underbond of \$200. He obtained his release only to offend in the same respect again. A peace warrant was issued, and he stayed in jail two days last May, and soon afterward he disappeared from the city.

Coogler received a letter from him last May, postmarked in Parksville, Tenn. He asked that his trunk be sent him. That was the last Coogler heard of him until Fisher's sensational story appeared in the Sunday papers.

### **Mind Broken by Drink.**

Grave discredit was cast on Fisher's story by Mrs. Annie Fisher, his wife, of No. 734 Marietta street, who asserted firmly that she believed the tale of a "business man's confession" of the crime was the fabrication of a mind broken down by drink, perhaps by drugs.

"My husband is a confirmed drunkard," Mrs. Fisher regretfully admitted. "He is at times without any responsibility for his words or actions. He was once tried on a lunacy writ taken out by his brother, a business man of Rome, Ga. They declared him sane at the time, but put him on probation. I have an idea he uses morphine. He left me August 12."

Both Stallings and his wife declare Fisher is utterly irresponsible. His sister said she would not believe any statement he might make, while her husband recounted some strange stories he said Fisher had told him at different times.

"He told them with no straight a face that I almost believed him," Stallings said, "but afterward I always found them to be untrue."

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As to Fisher's knowledge of the Phagan case, Mrs. Fisher said that only once did her husband say anything that might have been taken as evidence that he knew something. One night while reading the newspaper accounts of the arrest Fisher said:

"They haven't got the guilty man. Frank didn't murder Mary Phagan."

Mrs. Fisher also denied that her husband had left Atlanta immediately after the murder of the little girl, as he said.

"He lived with here until August 12," she stated, "and then he went away because I had filed a petition asking divorce and alimony. He went away to keep the papers from being served."

Mrs. Fisher was very candid and unreserved in talking the affairs of her husband and herself.

They were married, she said, in Dalton, Ga., thirteen years ago, and lived there until they moved to Atlanta three years ago.

### **Maniac When Drinking.**

"My husband has long been a drinking man," Mrs. Fisher said. "When sober I believe he was perfectly rational, but when drinking—I don't know just how to express it. He was nearly a maniac. More than once he threatened to shoot me. I had to have him arrested less than a year ago because he was threatening my life."

"I was going to sue him for divorce then, but Officer Clarke, a friend of his, took his part and begged me not to. I consented, and he was put on probation. Officer Coogler, I believe it was, kept him on the probation list four months. But it was no use at all."

Since Fisher went away to avoid the service of the divorce papers, his wife has been taking boarders and sewing to support herself and their two children. Fisher wrote to her from Parkville, Tenn., she said, and again from a suburb of Birmingham. He wanted to return and live with her, Mrs. Fisher said, but she did not answer the letters.

Then Mrs. Fisher told of a happening the morning after the murder was committed.

"It was Sunday," she said, "and just after breakfast we went to a drug store about a block away. On our way back we met a man I didn't know. He stopped my husband and said: 'Fisher, I've got something to tell you.'"

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"Mr. Fisher stopped and talked with him and I went on home. Later, he came home and told me the man told him a girl had been killed at the pencil factory. He seemed to be quite curious about the crime. He and I went and we took our little girl, Eve—"

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**PDF PAGE 9, COLUMN 1**

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## **WIFE DECLARES FISHER**

# A RAVING DRUNKARD AND RIDICULES ENTIRE STORY

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**Continued From Page 1.**

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lyn, and Miss Lille Embree, a young woman who was boarding with us.”

“We couldn’t go all over the factory, but I didn’t think my husband seemed at all nervous or acted unusual. He did read a lot about the case. I noticed that. And some time after that I missed my diary that I kept to set down almost everything I did. I don’t know that he took it, however.”

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Attorney Rosser Monday explained the unpassable guard that had been thrown around Fisher by saying that he wanted to get every detail of Fisher’s story before he let him go.

“As soon as I get all I want to know, I don’t care what becomes of him,” the lawyer said. “We are making a most careful investigation of every statement he has made, and we want to keep him at hand until we are through. After that the detectives and the newspaper men can question him to their hearts’ content.”

### **Fisher Not Prepossessing.**

Fisher is not a particularly prepossessing witness. When he stepped from the train Sunday morning in company with Agent Burke he had a several days’ growth of beard. He wore an old slouch hat, a shirt of striped pattern and no collar. He was unkempt, and his dark suit appeared as if it had been used to sleep in.

He kept his mouth tightly closed when the reporters tried to talk to him. Had he been inclined to be loquacious, his words would have been quickly checked by the watchful Burke, who used the “strong arm” on one inquisitive young newspaper man who tried to enter into a conversation with Fisher.

The train, due from Birmingham at 6:30 o’clock Sunday morning, did not get into Atlanta until two hours later. Burke and Fisher jumped into a waiting carriage and were taken to the office of Attorney Rosser on the seventh floor of the Grant Building where they stayed until Rosser’s arrival at 10 o’clock.

The photographers flocked around Rosser to get his permission to get a picture of Fisher.

“Not on your life!” shouted the lawyer, smiling at the discomfited snapshotters. And all their efforts throughout the remainder of the day were fruitless.”

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## **PDF PAGE 4, COLUMNS 1 & 7**

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# **FISHER’S FRANK STORY ATTACKED**

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***Police Bare Record; Defense  
Lawyers Hold Him***

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# **ALL SPONSORSHIP FOR FISHER AND HIS STORY**

# DISCLAIMED BY ROSSER

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Here is the latest trend of events connected with the newest sensation in the Phagan case—the statement by Ira W. Fisher that Frank is not guilty of the murder of Mary Phagan, and that a prominent Atlanta business man, known to Fisher, is the murderer.

1. Fisher is de virtually a prisoner in the office of LZ. Rosser, chief counsel for Frank, all of Sunday night and until afternoon Monday, while police wait to arrest him.
2. The police bare his record, showing a number of arrests for disorderly conduct while drinking, abuse and mistreatment of his wife.
3. Fisher's wife states plainly that he is an incorrigible drunkard; that he did not leave Atlanta immediately after the murder (as he said), and that she would put no confidence in the wild story he tells.
4. S. J. Coogler, probation officer, gives it as his opinion that Fisher's mind has suffered from long brooding over a murder charge on which he himself was once tried and acquitted, and that the continued use of liquor and possibly drugs has produced a hallucination which would account for the story he tells. Coogler had charge of Fisher for about three months while he was on probation.
5. Luther Rosser disclaims for himself and his associates all sponsorship for the story Fisher tells, but announces that it is being probed to the limit.
6. The growing impression is that this latest sensation in the Frank case is not a substantial texture and will very soon be exploded.

Charged by his wife with being a raving drunkard; wanted by the police, who give him a long court record, believed by Probation Officer Coogler to be demented as a result of accusations of murder made against himself, I. W. Fisher, the accuser of a prominent Atlanta man in the Phagan case, was confronted Monday by a general disposition to ridicule his story and the threatened collapse of a sensation.

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Detectives continued their vigil on the ground floor of the Grant Building ready to arrest Fisher as soon as he made his appearance. In the meanwhile, the Frank lawyers kept on investigating his story and seemed determined to hold their man a strict prisoner until they were entirely through with him.

### **Police Haven't Seen Fisher**

"I am not acting sooner for Fisher or for Fisher's story," declared Mr. Rosser, at his office Monday. "We want to keep the man for a few hours longer, and then if the police would like to have him they are welcome to him."

"Do you believe Fisher's story?" questioned a Georgian reporter.

"I have said my say," exclaimed the attorney.

"Can I talk to Fisher?" the reporter asked.

"You can—when I get through with him," said Rosser, and he strode away in the direction of his office door."

A police officer stated positively Monday noon that the Frank attorney "prisoner" would be arrested and taken to headquarters as soon as he was taken from Rosser's office.

None of the officers has had a look at Fisher, and it is doubt whether or not they will get him if he should try to walk out of the

Grant building. Since he was taken to the office of Rosser yesterday morning, he has been given a shave and an overcoat. A pint of whisky was also seen to have been taken into Fisher's "cell."

The arrival of Chief of Police Beavers in Rosser's office Monday noon created quite a bit of excitement. Chief Beavers, however, went into the private office of Rosser, where the arguments in the Whitehall street injunction were being heard.

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Here is Fisher's probation record:

He was arrested and put on proba-

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## **PDF PAGE 10, COLUMN 1**

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# **FISHER IS DERANGED BY AN OLD MURDER CHARGE, THINKS OFFICER COOGLER**

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**Continued From Page 1.**

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tion November 24, 1912. The charge was abusing and mistreating his wife while drinking, December 24, he violated his parole, drinking and again being arrested. He promised better behavior, and was continued on probation, staying at the Christian Helpers' League on Decatur street.

February 22, 1913, Fisher yielded once more. Intoxicated, he went to his wife's home and beat her. He was arrested and bound over in police court under a \$200 bond, which he furnished.

May 15 his wife applied for a peace warrant, under which Fisher was arrested and detained two days, finally giving bond. Then he disappeared May 28 Coogler received a letter from Fisher postmarked Parkville, Tenn., requesting his truck, which he had left in the Christian Helpers' League.

That closed that part of the official record of Fisher in Atlanta.

### **Mind Broken by Drink.**

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“He said that he met the man who committed the crime on Saturday, April 26, and that this man told him he was going to meet Mary Phagan in the pencil factory at noon. Fisher said that when the man came factory he said: ‘I raised h—I in there and you have got to get out of town.’”

“Since that time Fisher says that this man, who is well to do and established in business here, has been paying his expenses wherever he went.”

“Whether Fisher’s story is true or false we do not know. We are not giving it out as fact, but merely as one of the numerous stories which have come to our ears during the investigation of the crime. We would have said nothing about it if the newspapers had not come out yesterday telling of Fisher’s walking into the office of the Chief of Police in Birmingham. We do not take any stock in it one way or another as yet. But we are going to investigate it thoroughly and find whether or not if it is true.”

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“We have told the detectives something when we have not told the public. We have told them the name of the man Fisher accuses, and have incited them to work with us on our investigation. There is such a man as the one Fisher names, and he is well known. Fisher is a married man, and has several children. They are in Atlanta.”

Solicitor Dorsey, Frank A. Hooper, who assisted the Solicitor in the Frank trial, and members of the detective department

appeared not at all impressed by Fisher's story Monday. "I think he's telling a lie, pure and simple," said Mr. Hooper when he was asked his opinion.

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"Although Frank has been convicted of the crime," said Lanford, "our eyes and ears never have been closed to evidence that would point to any other person as the guilty one. I do not place much reliance on Fisher's story, but I want my department to investigate it thoroughly. This Fisher, I believe once was with the Southern Railway, and was discharged because of his drinking

Burke, who now is acting for Rosser, once was special agent for the Southern.”

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## **PDF PAGE 5, COLUMNS 1 & 7**

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<b>FRANK WITNESS NAMES J.C. SHIRLEY IN HIS STORY</b>
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**MARIETTA  
STREET  
MERCHANT  
LAUGHS**

# AT 'WITNESS' STORY

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Characterizing the accusation of Ira W. Fisher, author of the latest Phagan case sensation, as a huge farce, J. Shirley, a highly respected furniture dealer at No. 809 Marietta street, a highly respected furniture dealer at No. 809 Marietta street, named by Fisher as the little girl's slayer, declared the man a "fit subject for an insane asylum."

Identification of the accused man was made public Monday afternoon. It came from Birmingham, where Fisher first made his sensational statements. The man is well known in business circles of Atlanta. He declared that he was not aware that he was the one referred to until he was approached Monday.

He said that he was acquainted with his accuser. He stated that he operated a business establishment on Marietta street, near the Fisher residence. He declared that he had once had business dealings with the "Witness" and had been forced to transfer his negotiations to Mrs. Fisher when her husband failed to obligations.

Mr. Shirley could not ascribe any reason for Fisher having brought the charge of murder against him unless he was demented.

"Why, I don't recall having talked with Fisher since he left Marietta street home," said Mr. Shirley. "The only time I saw much of him was when he loafed around the store. I don't recall having ever discussed the Phagan case with him."

Mr. Shirley denied having ever delivered furniture at the home of J. W. Coleman, stepfather of Mary Phagan, with Fisher.

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Charged by his wife with being a raving drunkard; wanted by the police, who give him a long court record, believed by Probation Officer Coogler to be demented as a result of accusations of murder made against himself, I. W. Fisher, the accuser of a prominent Atlanta man in the Phagan case, was confronted Monday by a general disposition to ridicule his story and the threatened collapse of a sensation.

Kept a prisoner in the office of Luther Z. Rosser, while the police waited to arrest him, Fisher continued to be inaccessible to newspaper men, but various investigations of his record bared facts that threw a dark cloud on his reliability.

Detectives continued their vigil on the ground floor of the Grant Building ready to arrest Fisher as soon as he made his appearance. In the meanwhile, the Frank lawyers kept on investigating his story, and seemed determined to hold their man a strict prisoner until they were entirely through with him.

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"I am not acting sooner for Fisher or for Fisher's story," declared Mr. Rosser, at his office Monday. "We want to keep the man for a few hours longer, and then if the police would like to have him, they are welcome to him."

"Do you believe Fisher's story?" questioned a Georgian reporter.

"I have said my say," exclaimed the attorney.

"Can I talk to Fisher?" the reporter asked.

"You can—when I get through with him," said Rosser, and he strode away in the direction of his office door."

A police officer stated positively Monday noon that the Frank attorney "prisoner" would be arrested and taken to headquarters as soon as he was taken from Rosser's office.

None of the officers has had a look at Fisher, and it is doubt whether or not they will get him if he should try to walk out of the

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## **PDF PAGE 11, COLUMN 1**

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# **FISHER IS DERANGED BY AN OLD MURDER CHARGE, THINKS OFFICER COOGLER**

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**Continued From Page 1.**

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tion November 24, 1912. The charge was abusing and mistreating his wife while drinking, December 24, he violated his parole, drinking and again being arrested. He promised better behavior, and was continued on probation, staying at the Christian Helpers' League on Decatur street.



February 22, 1913, Fisher yielded once more. Intoxicated, he went to his wife's home and beat her. He was arrested and bound over in police court under a \$200 bond, which he furnished.

May 15 his wife applied for a peace warrant, under which Fisher was arrested and detained two days, finally giving bond. Then he disappeared May 28 Coogler received a letter from Fisher postmarked Parkville, Tenn., requesting his truck, which he had left in the Christian Helpers' League.

That closed that part of the official record of Fisher in Atlanta.

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"My husband is a confirmed drunkard," Mrs. Fisher regretfully admitted. "He is at times without any responsibility for his words or actions. He was once tried on a lunacy writ taken out by his brother, a business man of Rome, Ga. They declared him sane at the time, but put him on probation. I have an idea he uses morphine. He left me August 12."

Both Stallings and his wife declare Fisher is utterly irresponsible. His sister said she would not believe any statement he might make, while her husband recounted some strange stories he said Fisher had told him at different times.

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Mrs. Fisher also denied that her husband had left Atlanta immediately after the murder of the little girl, as he said.

“He lived with here until August 12,” she stated, “and then he went away because I had filed a petition asking divorce and alimony. He went away to keep the papers from being served.”

Mrs. Fisher was very candid and unreserved in talking the affairs of her husband and herself.

They were married, she said, in Dalton, Ga., thirteen years ago, and lived there until they moved to Atlanta three years ago.

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“My husband has long been a drinking man,” Mrs. Fisher said. “When sober I believe he was perfectly rational, but when drinking—I don’t know just how to express it. He was nearly a maniac. More than once he threatened to shoot me. I had to have him arrested less than a year ago because he was threatening my life.”

“I was going to sue him for divorce then, but Officer Clarke, a friend of his, took his part and begged me not to. I consented, and he was put on probation. Officer Coogler, I believe it was, kept him on the probation list four months. But it was no use at all.”

Since Fisher went away to avoid the service of the divorce papers, his wife has been taking boarders and sewing to support herself and their two children. Fisher wrote to her from Parkville, Tenn., she said, and again from a suburb of Birmingham. He wanted to return and live with her, Mrs. Fisher said, but she did not answer the letters.

Then Mrs. Fisher told of a happening the morning after the murder was committed.

“It was Sunday,” she said, “and just after breakfast we went to a drug store about a block away. On our way back we met a man I didn’t know. He stopped my husband and said: ‘Fisher, I’ve got something to tell you.’”

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## **PDF PAGE 6, COLUMNS 1 & 7**

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### **POLICE GET FISHER, FRANK WITNESS**

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## **MERCHANT VOWS TO**

## **PRESECUTE FISHER**

# TO LAW'S FULL LIMIT

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Ira W. Fisher, whose story attempted to involve J. C. Shirley, a respected Marietta street merchant, in the Phagan case, was turned over to the police authorities late Monday afternoon. Attorney Rosser notified Chief of Detectives Lanford that he was ready to give the "witness" up. Detective Eugen Coker was dispatched to the attorney's office immediately. Fisher was taken to the police station and subjected to a rigid cross-examination Monday night.

Fisher reiterated before a crowd of newspaper men and detectives his startling story.

Despite Shirley's denial of every accusation made by Fisher, the man persisted in his accusations. He went into detail, going even so far as naming the amounts of money which he said Shirley had sent him at various times and giving the towns which he visited. However, he had no documents to support him and none who heard the story believed him.

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That he will prosecute Ira W. Fisher, who names him as the principal in his sensational story of the Phagan murder, to the fullest extent the law allows, was the declaration made to a Georgian reporter late Monday afternoon by J. C. Shirley, the well-known and respected Marietta street merchant. He has retained C. J. Graham, a lawyer who has already figured in the Frank case, to represent him.

"The whole story is a joke," said Mr. Shirley. "But I will investigate the law and determine how I may prosecute this man for this abominable fairy tale."

C. F. Shirley, who lives at No. 54 Flatshoals road and is a brother of the man Fisher names, said Fisher was a drunkard and a gambler and a mighty sorry man all around. That appeared to be the opinion of all who have had any connection with Fisher.

J. C. Shirley said he did not even know where the National Pencil Factory was until he read of the Phagan case in the newspapers. He declared that he knew none of the girls employed there, except that he had heard that two girls who lived across the street were employed at the plant.

Fisher, in Luther Rosser's office, stuck to his story, but very little credence was attached to it by anybody.

Fisher, according to report, declared that Shirley had met him on the street on the afternoon of the murder and had declared that he had met Mary Phagan and "played hell."

When informed of this statement, the furniture man laughed.

"Why the man is crazy," he said.

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Chief Lanford laughed at the story and said it was his belief that Fisher was out in town at the time of the Phagan murder. Fisher is the same man, he thinks, that testified some ago against Griff Freeman, who was arrested on a blind tiger charge, and then disappeared from town after Freeman was bound over. Fisher was not on hand to testify in the State trial.

Mrs. Fischer acted as a sleuth and obtained much of the evidence that resulted in the prosecution of Freeman. She testified at the trial that Fisher pawned her shoes and sold their chickens to get liquor from Freeman. Fisher admitted that he had bought liquor many times from the defendant.

# ***Rosser's Office in State Of Siege Through Night***

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Kept a virtual prisoner all day, and hedged about by secrecy that seemed to portend important things, the new entrant into the Phagan case limelight answered the questions of the Frank lawyers somewhat hesitantly and not all impressively, according to the little information that could be gathered from the closely guarded offices.

The headquarters of the law firm of Rosser, Brandon, Slaton & Phillips was watched all day and night by a crowd of reporters who for the most part their pains for their labors. Occasionally during the day, a figure would emerge from the office—most frequently Herbert Haas. Close questioning brought the enlightening information from Mr. Haas that he did not know the man in the case; that if he did he had no idea of the story he had told, and that at any rate he could not talk to newspaper men.

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Outward evidences were the copious questions were being asked by Frank's lawyers and that considerable importance—perhaps vital importance—was at first attached by them in the developments of the day. Young women stenographers had been summoned from their homes and appeared to be busy. The conferences were held in the innermost offices, and no a word drifted to the waiting men outside.



Reuben Arnold arrived about midday and was immediately closeted with the other principals in the case. He had been there about three hours when the word went forth that the mysterious stranger was to be spirited away in an automobile, and the newspaper men pared for the chase.

As a matter of fact, the word had been given to a private chauffeur to be prepared, and Detective Burke was to rush the much-wanted man of mystery away. But the reporters remained on the alert, refusing to be lured away by various small subterfuges, and the automobile that had been waiting downstairs kept on waiting for many hours.

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As usual, Luther Z. Rosser was a synonym for secretiveness. He threw up his hands in horror at the suggestion that the man of mystery be posed for the photographers. He had evidently issued ironclad instructions to Burke to keep the mysterious man's mouth closed, and Burke obeyed orders. The detective complained petulantly of the pestiferous attentions of the newspaper men, but he carried out his orders to the letter. Not a word would he allow his charge to utter. The man might have been deaf and dumb for all that could be gotten out of him.

Or he might have been duped. That suggestion was seriously made by many who saw him. His appearance was anything but impressive as he was hustled up to the seventh floor of the Grant Building. A four-days' beard made his drawn features far from attractive. His eyes shifted constantly. He shuffled his feet as he walked, and occasionally he threw a glance behind him as though afraid of a shadow. He was not an inspiring spectacle.

### **Detectives on Guard.**

On the ground floor objectives awaited with much the same feelings as the reporters on the floors above. Detective Starnes, who did star work in gathering evidence against Frank, was on duty for several hours. He simply awaited developments showing little impatience and almost the interest. Like most every body

concerned, he was not inclined to take the latest developments seriously as far as pointing to a new solution of the crime.

The detectives on the case speculated on the reasons for Chief Bodeker of Birmingham, failing to inform the city or county officials of the alleged revelations and turning the man of mystery over to private parties instead of to the police. To them it looked strange but they are loath to discuss whatever significance it might have.

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## **PDF PAGE 9, COLUMN 3**

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# ***Fisher Divorce Record***

# ***Revealed by Suit of Wife***

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The diverse record of I. W. Fisher, whose sensational accusations have brought an upheaval in the Phagan murder case, is revealed in the petition of his wife. Mrs. Annie Fisher, filed in the Fulton County Superior Court May 16, 1913.

The petition charges cruelty and inhumanity; also intoxication.

Mrs. Fisher's petition in full is as follows:

"Georgia—Fulton County."

"To the Superior Court of Said County:"

"The petition of Mrs. Annie Fisher of said county shows:"

"That on the 24<sup>th</sup> day of December 1899, plaintiff and one I. W. Fisher intermarried in due form of law, to wit: in the county of Whitfield, Dalton, Ga., and lived together as husband and wife until May 13, 1913, on which date plaintiff and defendant separated and are now living separated apart."

"2. The Petitioner was then, and has been since, a bona fide resident of the State of Georgia twelve (12) months next before the filling of this petition."

"3. Petitioner shows that she was very affectionate and kind to her husband from the time of said marriage, and that during that time she gave her said husband no cause to complain of your petitioner. Notwithstanding this, the said defendant has treated your petitioner in a cruel and inhuman manner, so as to make it impossible for her to continue her habitation with him. The acts constituting the cruel treatment of the defendant are specified in part as follows: Defendant has many times come home from his work, and being of a very jealous disposition, frequently struck and abused petitioner, and on numerous occasions has threatened her life. That these acts of cruelty have rendered petitioner almost a nervous wreck, and that she is afraid to live with him longer."

"4. Petitioner further shows that defendant has been guilty of habitual intoxication almost continuously for the past four (4) or five (5) years. That he has frequently during this time absented himself during the entire night from home, and for about eight months during 1912 he and petitioner were living separate and apart."

"5. Petitioner further shows that the issue of said marriage now living are one boy named James Albert Lee Fisher, age 11 years, and one named Alice Evelyn Fisher, age 5 years."

"6. Petitioner further shows that neither she nor defendant have any property."

"7. Petitioner shows that she is physically and financially unable to properly support herself and her said children: That the

defendant, I. W. Fisher, is a strong and able-bodied man, and capable of earning \$2.50 per day."

"Wherefore, petitioner prays:"

"1. That a total divorce from defendant, that a divorce in vinculo matrimonii upon legal principles between the petitioner and said defendant."

"2. That the custody of the two children above mentioned be awarded to petitioner."

"3. That defendant be enjoined from molesting or annoying in any way interfering with petitioner, and from going to her said residence, speaking to her on the streets, calling her over the telephone or communicating any threats to her by any other means."

"4. That he be required to pay a reasonable sum into this court to defray the expenses of this action, and for the support and maintenance of the said children mentioned in this petition."

"POOLE &  
LEWIS,"

"Petitioner's Attorneys."

"Georgia, Fulton  
County."

"Personally appeared before the undersigned, an officer of said State and County, duly authorized by law to administer oaths, Mrs. Annie Fisher, who, on oath, says the allegations contained in the above and foregoing petition for divorce are true."

"MRS. ANNIE FISHER."

"Sworn to and subscribed to before me this 16<sup>th</sup> day of May,  
1913."

"Z. R.  
UPCHURCH,"

Co.”

“Notary Public, Fulton

“Read and considered: Ordered

“That the defendant show cause before me at Chambers in the City of Atlanta, Fulton County, Georgia, on the 24<sup>th</sup> day of May, 1913, at 9:30 o’clock a. m., why the prayer of the foregoing petition should not be granted. In the meantime, and until the further order of the court, defendant is enjoined and restrained as prayed. This 17<sup>th</sup> day of May, 1913.”

“J. T. PENDLETON,”

“Judge Superior Court, Atlanta Circuit.”

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## **PDF PAGE 9, COLUMN 3**

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# ***Detective Guards Witness***

## ***As He Would the Kohinoor***

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During the ride from Birmingham to Atlanta and after he had reached the city and was chasing wildly through the streets in a “sea-going cab” steered by an energetic negro Detective Burke handled Witness with the loving care and earnest attention that a man would bestow upon the “Kohinoor”.

Wherever Witness went there was Burke, guarding his jealousy from the attentions of newspaper men and inquisitive

persons of high and low degree, who flocked around the detective and his unkempt companions.

The march of the detective and Witness from the train up through the sheds and into the Terminal Station and out onto the plaza was like a circus parade.

It was comparable to the charge of the Light Brigade at Balaklava, in that Burke was harassed by inquisitors to the right of him, inquisitors to the left of him and inquisitors in front of him, and the crowd went to the enemies of the Light Brigade one better and put some inquisitors behind him.

Cannonades of pointed questions and skeptical observations of cynical persons, which volleyed and thundered, were met with a worried smile and sometimes a harsh word. Only Witness appeared to be undisturbed. He kept his mouth shut with the determined shutness that comes only after long and arduous coaching.

### **Leaves Train From Rear.**

A small army of reporters met the train at the station and escorted Burke and his quarry through the curious crowds out onto the plaza, where the detective, mistaking their kind intentions, tried to run away and leave them. Burke dropped off the train from the rear end of the day coach, clutching Witness firmly by the sleeve. When one young man bestowed upon Witness an affectionate greeting and so far lost control of himself as to seize Witness' arm, Burke was righteously indignant.

Station attaches and several hundred other people assisted in the reception. They had waited two hours -the train was late—for a glimpse of the new witness, and they would have gotten that glimpse had there been a regiment of soldiers stationed there. When Burke led his man up the steps and started on walking hurriedly—with his reportorial guard—into the station, exclamations dripped from the crowd like rain from the heavens.

“Is that the guy?”

“There’s the fellow that was in the papers this morning!”

“Hey, Charley, pipe the mutt that’s goin’ to solve the mystery.”

Burke and Witness grinned only once during the hundred yards’ walk from the train to a cab on the plaza. That was when a newsboy asked some reporters if an extra would be forthcoming on the arrival of Witness.

### **Scorns the Taxicab.**

Burke nearly lost his man after he got him out on the plaza. Witness and detective walked side by side out of the station door, and Burke, spying a taxicab, headed that way, expecting his man to follow. Witness, however, was leaning to cabs, so he started toward the cabstand, aided by a reporter, who with the kindly instincts of one who is always willing to relieve the sufferings of others, took his arms and gently propelled him in the right direction. Burke took one look and gasped his astonishment and utter indignation.

“Hey!” he shouted, clutching the arm of Witness, “Come this way! Let those fellows alone!”

Burke took elaborate precautions to prevent the photographing of Witness when he got him out on the plaza. A photographer popped suddenly from behind a post and took a snapshot, and Burke, with an exclamation of disgust, jerked Witness’ hat down over his eyes, nearly blinding the poor man. On a smaller occasion, when an innocent looking telephone post was transformed suddenly into an inquisitive camera, Burke threw his arm protectingly across his companion’s face.

The detective hurriedly loaded his man into a cab, held a conference with cable, and they started off down the street. The newspaper men commandeered a taxicab and started in pursuit. The pilot of the cab pummeled his animal and turned all the corners in that end of Christendom, but the automobile had had more gasoline than the horse had oats and when Burke alighted

in front of the Grant Building the newspaper men were waiting for him on the sidewalk, all with anxious inquiries relating to the health and general disposition of the witness, whether he had stood the trip well, etc.

### **Burke Not Delighted.**

Burke's scrupulous guarding of Witness after he reached Atlanta with him was equaled only by the elaborate plans he took to fool newspaper men who met the train at Austell and who, even though not invited, joined his little party.

There was no joy in the heart of Burke when four newspaper men boarded the train at Austell—and there was apparently nothing at all in the heart of Witness. Burke viewed the entrance of the reporters much as he would have viewed a train wreck, both being injurious to peace of mind and carefully laid plans.

All the reporters knew him, and it is presumed he knew all the reporters, but he didn't show any gladsome signs of recognition. He showed nothing but disgust, but there was plenty of that. He was sitting in the rear of the day coach, next to the aisle, with Witness in the seat beside him. He didn't see the porters until they were almost on top of him, and when he did, he wanted to get off the train.

"Nothing's going to be said," he exclaimed. "You fellows might as well get off the train."

One of the crowd, volunteered the information that they were going to Atlanta.

"I've a good notion to pull the bell cord and get off the train myself," said Burke. And he reached up like he was going to do it, too, but some one gently remarked that it was raining and no train for hours.

So Burke sat in his seat with an eagle eye on Witness, and chatted pleasantly with the reporters about everything except Witness. Regarding Witness all he would say was this:



“Nothing is going to be given out until we get to Atlanta. There have been enough bloomers in this case, and there isn’t going to be any bloomer this time.”

### **And Witness Keeps Quiet.**

Witness never opened his mouth during the trip, partly because Burke wouldn’t let him, and partly because he didn’t seem to care for conversation. He sat huddled in his seat, unshaven, without a collar, eyes dull and listless. Either he flattened his face against the window and gazed passively at the fleeting landscape, or he looked trustingly into Burke’s face.

Somebody asked Burke what was the matter with Witness.

“He’s been drunk,” the detective said, “and he’s probably got a hangover. He doesn’t talk much, anyway, at least so long as I’ve got him.”

Witness wanted a drink once during the ride, and Burke kindly gave him permission to go to the end of the train and get it. A reporter wanted a drink, too, but Burke blocked the aisle of the car and wouldn’t let him get by.

When the train reached Mount Zion, which is in the city limits about five miles from Five Points, he did a trick that caused two of the newspaper men to jump from a train running about 20 miles an hour, and slide hastily and without dignity down a 50-foot embankment—all for nothing.

“Here’s Mount Zion,” Burke exclaimed. “We’re going to drop off here. Come one.”

### **Burke’s Ruse Almost Works.**

The detective grabbed Witness by the neck and dragged him to the rear platform. It looked like he was going to throw Witness bodily from the train and then jump on top of him. There was considerable commotion in the reportorial ranks about that time. Three reporters leaped for the front platform to beat Burke off the train. Two of the reporters jumped off the train and fell 50 feet

down an embankment, being heavily laden with a tripod and suit case full of camera equipment, didn't jump. There were a number of reasons, one of which was that a sneaking suspicion crossed his mind that maybe Mr. Burke was "stalling."

So this last reporter, the only one that Burke didn't get rid of through his ruse, ran to the rear end of the car and out on to the platform. Burke and his man stood there, with the photographer clinging to Burke's coat tails and imploring him not to jump. But Burke never intended to jump from any train going 20 miles an hour. He merely wanted to get rid of the newspapermen.

Burke and Witness rode on the platform until the train reached the station, despite the plaintive protests of Witness that he was cold and needed some stimulant.

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## **PDF PAGE 10, COLUMN 3**

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**PDF PAGE 10, COLUMN 3**

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***More Affidavits  
Filed***

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# ***Against Juror Henslee***

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Two more affidavits were obtained this morning by the lawyers for Frank tending to show that A. H. Henslee, a member of the trial jury, had expressed strong opinions as to the guilt of Frank before the trial.

Leon Harrison, of Atlanta, makes the statement under oath that some time in May, 1912, he was walking South on Peachtree street, and just north of Five Points he overheard Henslee and another man engaged in a very animated conversation" regarding the Frank case.

Harrison stopped, he said, and listened, being interested in anything he might learn of the famous case. He says he overheard Henslee's companion say:

"I don't believe Frank committed that murder."

To which Henslee's reply is said to have been:

"I believe he did kill the girl, and if by any chance I get on the jury that tries him I'll do my best to get him convicted."

The other sworn statement is the second affidavit of Julian A. Lehman whose first statement drew from Henslee a sharp and sweeping denial of the charge that he had expressed a belief in Frank's guilt.

Lehman reiterates in his second statement all the assertions made in his first. He says that between the date of the murder, April 26, and the beginning of the trial, July 28, he heard Henslee on two occasions express himself as being firmly convinced of Frank's guilt. He gave the approximate dates of the expressions as June 2 and June 20.

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